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JUN 29 2004

Date: June 29, 2004

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From:	Barbara J. Luther	602.420.5102	602.230.5502
Re:	Application No.: 09/647,841		

Message:

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No. of Pages (Including Cover): 5	Job Code:
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PTO/SB/21 (03-03)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/647,841
Filing Date	October 5, 2000
First Named Inventor	Winicov, Ilga
Group Art Unit	1638
Examiner Name	Baum, Stuart F.
Attorney Docket Number	112624.00020

Total Number of Pages in This Submission 4

**ENCLOSURES (check all that apply)**

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

Petition to Expedite Revival of Abandoned Application

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Barbara J. Luther, Reg. No. 33,954

Signature

*Barbara J. Luther*

Date

June 29, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Paula N. Huffman

Signature

*Paula N. Huffman*

Date

June 29, 2004

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/17 (10-03)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

**Complete if Known**

Application Number	09/647,841
Filing Date	October 5, 2000
First Named Inventor	Winicov, Ilga
Examiner Name	Baum, Stuart F.
Art Unit	1638
Attorney Docket No.	112624.00020

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	17-0055
Deposit Account Name	Quarles & Brady LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 0.00)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20*	X	0.00
Multiple Dependent	-3**	X	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$ 0.00)</b>

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) 1460 - Petition to Expedite			130.00
<b>SUBTOTAL (3)</b>			<b>(\$ 130.00)</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type) Barbara J. Luther

Registration No. 33,954

(Complete if applicable)

Telephone 602-230-5502

Signature

Barbara J. Luther

Date June 29, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SN: 09/647,841  
Response to Office Action

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JUN 29 2004

OFFICIAL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ilga Winicov  
Serial No.: 09/647,841  
Filed: October 5, 2000  
For: *EXPRESSION OF ALFIN 1 AND METHODS FOR PRODUCING  
TRANSGENIC PLANTS HAVING INCREASED ROOT GROWTH AND  
ROOT SPECIFIC GENE ACTIVATION*  
Group Art Unit: 1638  
Examiner: Baum, Stuart F.  
Attorney Docket: 112624.00020

**PETITION TO EXPEDITE REVIVAL OF ABANDONED APPLICATION**

Mailstop Petitions  
Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22313

Dear Sir or Madam:

In a follow-up to the Petition to Revive filed on June 10, 2004, Applicant hereby petitions for an expedited review of the revival of the application. The above-captioned patent application was inadvertently abandoned after the Office Action was mailed to a deceased patent attorney and was never forwarded to the undersigned attorney. As soon as the Applicant became aware of the missing office action and received the Notice of Abandonment, the Applicant took immediate steps to revive the application. Expedited handling is also requested based on the fact that 1) the assignee has negotiated a license with another to develop the invention, and 2) the potential licensee will not sign the license nor pay the assignee the license fee until the application has been revived. Therefore, any delay in granting the petition to revive is a hardship for the assignee. Applicant hereby respectfully requests that the petition to revive be expedited.

SN: 09/647,841  
Response to Office Action

A fee for the petition for expedited handling is being paid herewith. The Commissioner is hereby authorized to charge any additional fees that may be due in connection with this filing to Deposit Account No. 17-0055.

Respectfully submitted,  
QUARLES & BRADY STREICH LANG, LLP

Dated: June 29, 2004

By: Barbara J. Luther  
Barbara J. Luther, Reg. No. 33,954

Attorney Docket No. 112624.00018  
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